

DUNCAN MILLER

IBLA 78-162

Decided April 17, 1978

Appeal from decision of the New Mexico State Office, Bureau of Land Management, partially rejecting oil and gas lease offer NM 13268, and requiring additional rental.

Appeal dismissed.

1. Appeals—Rules of Practice: Appeals: Dismissal—Rules of Practice: Appeals:
Statement of Reasons

A statement of reasons in support of an appeal which does not point out affirmatively in what respect the decision appealed from is in error does not meet the requirements of the Department's rules of practice and may be dismissed.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Duncan Miller appeals from a decision dated September 21, 1977, by the New Mexico State Office, Bureau of Land Management (BLM), rejecting in part his oil and gas lease offer NM 13268 for the following reasons:

Lots 1, 2, 3, 4 Sec. 3, Lot 1 Sec. 4, Lots 5, 6, 7, 8 Sec. 15, Lot 5 Sec. 16, T. 15 N., R. 3 W., NMPM are included in the Cabezon 1-04, Management Framework Plan dated June 19, 1972. These lands were set aside as "Special Use Areas". Oil and gas leasing activity would disrupt the natural appearance of the landscape.

The N 1/2 NE 1/2, NE 1/4 NW 1/4 Sec. 23, T. 15 N., R. 3 W., NMPM are included in Homestead Entry Patent No. 1106 dated April 30, 1890 on which minerals were not reserved by the United States.

The decision requested additional rental for the remaining portion of the lease pursuant to 43 CFR 3103.3-2, 43 FR 1032 (January 5, 1977) which increased the annual rental on noncompetitive leases to \$1 per acre or fraction thereof, for each lease year effective February 1, 1977. Appellant was allowed 30 days from receipt of the decision to pay the balance of the rental due.

[1] Although appellant has submitted a statement in support of his appeal, he has not taken issue with either of the determinations reached in the decision appealed from. He has neither demonstrated any error therein, nor pointed out how he has been deprived of some right. Since the statement of reasons demonstrates no error in the decision appealed from it does not meet the Department's rules of practice and the appeal may be dismissed. Duncan Miller, 29 IBLA 174 (1977); Duncan Miller, 28 IBLA 62 (1976); and Duncan Miller, 26 IBLA 37 (1976).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

Frederick Fishman
Administrative Judge

We concur.

Martin Ritvo
Administrative Judge

Edward W. Stuebing
Administrative Judge

